IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 207 OF 2007
IN
STAMP NUMBER (APPLN.) NO. 559 OF 2007

MR. MANUEL DE COSTA & ORS. ... Applicant
Versus
DOMINGOS J. FERNANDEA & ORS. ... Respondent

Mr. J. Mulgaonkar,Advocate for the applicant.
Ms. Sapna Mordekar, Advocate for the respondents No.6(a) To 6 (g).

Coram:- R. S. MOHITE, J.

Date:- 26th July, 2007

P.C.

This application has been filed in S.A. No.38/99 seeking setting aside of abatement. It is sought in the application that separate application is being filed for bringing L.R's on record. There is also prayer for condonation of delay. On perusing this application, it is noticed that all the parties in the S.A. are not made parties to this application. There is no mention about quantum of delay in filing heirs application. A reply was filed opposing this application and rejoinder was also filed. Even in the rejoinder, there is no mention about the quantum of delay.

Today yet another affidavit dated 11.7.2007 has been filed wherein for the first time it is stated that delay is of 1575 days. Since all the parties to the Second Appeal, have to be parties to the application, I am not inclined to entertain the same. The Advocate for the applicant states that, he would like to withdraw this application and file a fresh one. The application is dismissed as withdrawn.

It is made clear that S. A. No.38/99 stands abated only against

respondent No.6. As consequences, Stamp No.559/2007 and 558/2007 in S. A. 38/99 stand disposed of.

R. S. MOHITE, J.

SMA